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12 Aug 1970

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Comments on Recommendations on "Intelligence and Policy,"  
Report on Military Spending, dated 9 July 1970

1. The recommendation on "Intelligence and Policy" in Part IV of the report prepared by the Military Spending Committee of the Members of Congress for Peace Through Law fall into two categories:

a. Recommendations 1, 2, and 7 (at page 6 of Part IV of the report) propose that various intelligence and related activities now conducted covertly be henceforth carried out overtly or drastically curtailed.

b. Recommendations 3, 4, 5, and 6 deal with the organization and procedures of the intelligence community, and with disclosure of intelligence information.

Recommendations Calling for Greater "Overtness" or Curtailment

2. Recommendation 1

"There should be a drastic curtailment of covert action programs. Where appropriate these programs should be continued overtly by the Department of State, Department of Commerce, AID."

Comment:

a. Basically, covert action is, in the words of the report, action "where attribution to the U.S. Government is not acceptable."

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It is one of the President's resources for the conduct of foreign affairs. The Congress can of course refuse to appropriate the necessary funds, but where such funds are available the determination on their use is ultimately up to the personal decision of the President and his advisors. Taken literally, therefore, this recommendation would appear to raise a constitutional issue.

b. Since covert action programs must depend on secrecy for their effectiveness, precise knowledge of them is necessarily strictly limited. They therefore are frequently the subject of widespread misconception, exaggeration and suspicion, actively stimulated and exploited by hostile powers engaged in a continuing effort to discredit us. It is therefore difficult to say on what, if any, knowledge of the facts the recommendation in question is based.

c. The authors appear to be unaware of continuing efforts by the Executive Branch to find mechanisms for supporting overtly certain programs which were initially assigned to CIA. The results of these efforts have thus far been disappointing.

d. While it is probably true that certain action programs previously assigned to CIA could be turned over to overt Government agencies, a substantial requirement for covert action remains.

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Primarily because of geographic and historical circumstances, the U.S. has, until recently, been spared the hostile threats and global responsibilities which call for a national covert action program. But in the face of today's realities the U.S., like other great powers, (including those with unassailable democratic credentials such as the U.K.) must occasionally carry out certain actions in the foreign field secretly and without attribution. Such covert action may be necessary to:

(1) Avoid a dangerous overt confrontation with a hostile power (as demonstrated by the U-2 operations, the Soviets have shown considerable tolerance for annoyance so long as it is not accompanied by an open challenge to their prestige).

(2) Protect friendly governments and leaders who desire to cooperate with us but fear retaliation by hostile powers if their cooperation becomes known.

(3) Deny to hostile powers the information necessary to identify, penetrate and counter certain sensitive U.S. overseas activities.

(4) Protect our agents, collaborators, and cooperating organizations in hostile areas against punitive measures.

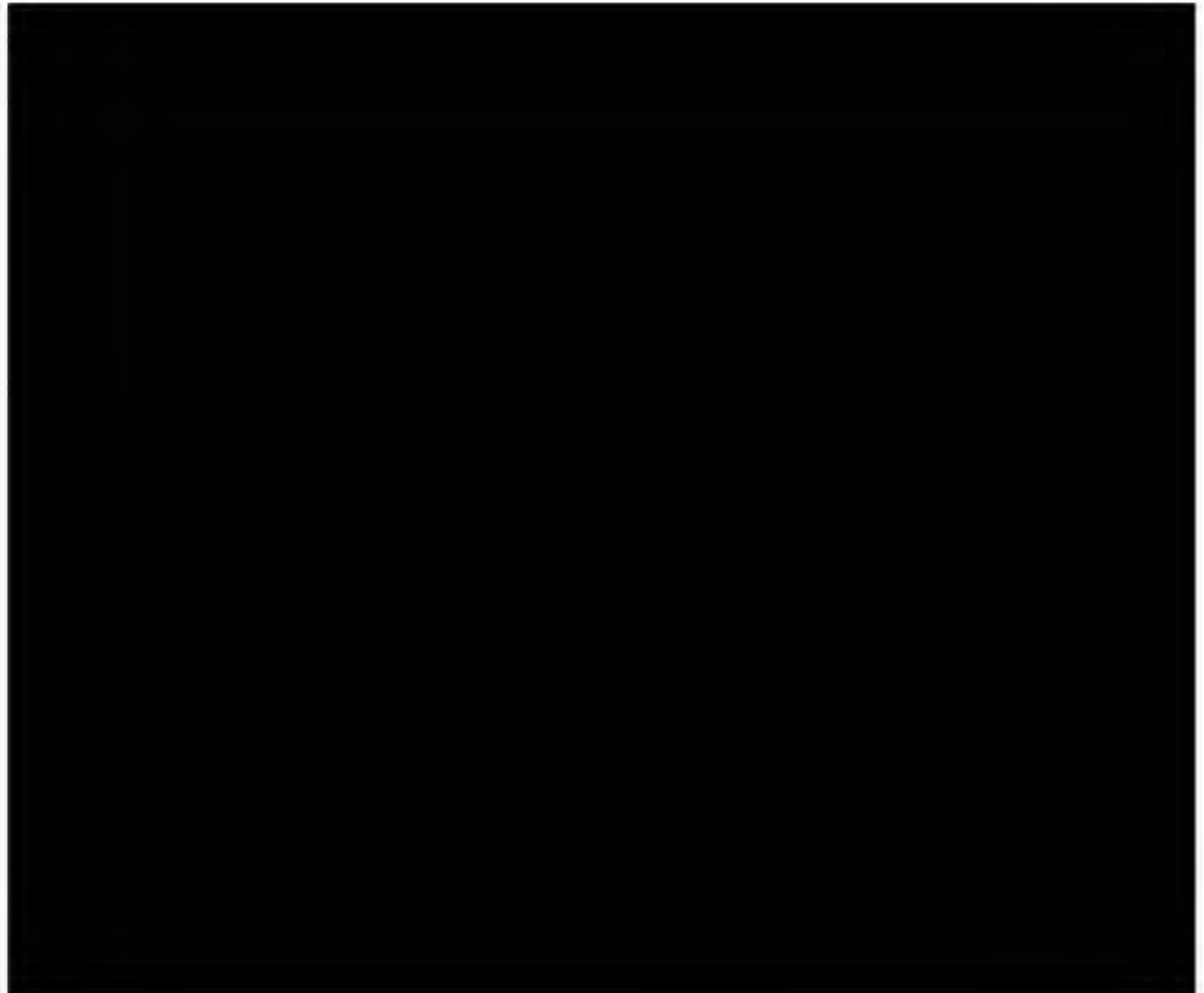
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(5) Counter covert actions by other nations directed against the U.S.

e. Finally, perhaps unknown to the authors of this recommendation, in recent years both personnel and funds devoted to covert action programs by the U.S. Government have been substantially reduced.

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d. Practically speaking, then, this recommendation would require that clandestine operations not be conducted clandestinely.

4. Recommendation 7

"The number of personnel working in covert action and human resources programs should be cut back drastically."

Comment:

a. Comment on this recommendation is difficult in the absence of some knowledge as to:

(1) Precisely what the authors mean by "covert action" and "human resources" programs;

(2) their yardstick for defining personnel "working in" these programs; and

(3) their assumptions as to the present number of such personnel.

b. As stated above (paragraph 2 d) both the personnel and funds devoted to covert action have been cut substantially over recent years, and further cuts and realignments are under active study.

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c. Presumably the authors, having heard something about the dramatic achievements in technical collection through electronic intercept, overhead reconnaissance and environmental sampling, are assuming that the value of the human source is steadily diminishing. Indeed, in the section of their report entitled "Sources of Intelligence" they state that "Human sources overall have declined in importance."

d. In fact any judgment about whether one type of intelligence source is more valuable than another is difficult and, where attempted by one unfamiliar with the facts, can be extremely dangerous. The best available analyses of raw intelligence input by responsible consumers belie the claim that human sources are becoming unimportant. Moreover, despite dramatic technical collection accomplishments we cannot rely on these sources alone. Any one of them conceivably could be knocked out tomorrow by unforeseen political or technological developments. And technical intelligence usually tells us only what forces and weapons the enemy has in being. Human sources, on the other hand, can produce unique information regarding the intentions, personalities and policies of governmental leaders or the long-

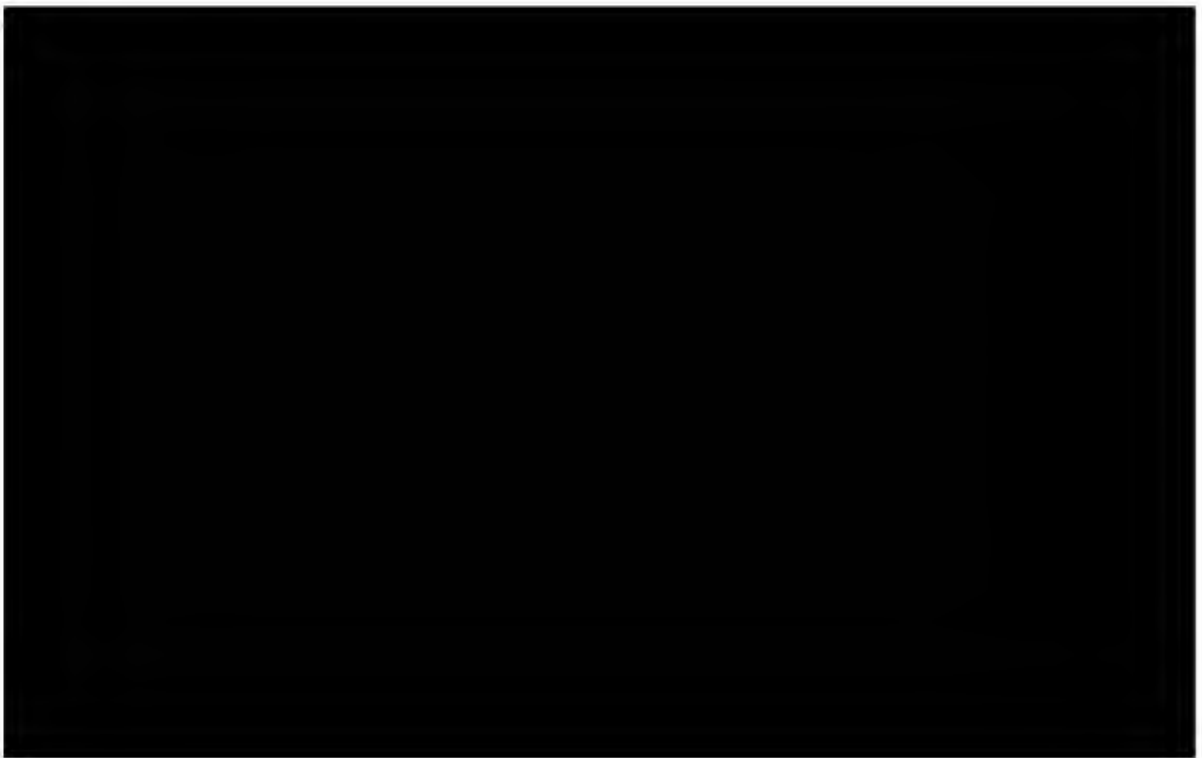
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range plans of scientists and strategists, which are quite beyond the reach of technical systems. They can thus provide the vital lead time necessary for the development of countermeasures.

e. Finally, if cost is a question, the expense of exploiting human sources is literally negligible compared with that of operating technical collection systems. For example, the

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Recommendations Regarding the Organization and Procedures  
of the Community and Disclosure of Intelligence Information

5. Recommendation 3

"Clearer lines of responsibility must be drawn between CIA, DIA, and NSA. Duplication and unhealthy competitiveness must be eliminated."

Comment:

a. Present lines of responsibility as between CIA, DIA, and NSA are clear. CIA was established by the National Security Act of 1947 and given certain specific responsibilities. The most important of these is the correlation, evaluation, and dissemination of information affecting the national security. Various National Security Council directives based on this statute have clearly established CIA as the agency of the Government responsible for providing the President and senior officials of the Government with evaluated current intelligence and with estimates on matters relating to the national security. CIA is also specifically charged with certain other responsibilities such as the clandestine collection of intelligence through human sources and with other intelligence collection activities such as acquiring information from foreign broadcasts, foreign periodicals and documents and American citizens engaged in foreign travel.

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b. DIA was established by the Secretary of Defense to consolidate control over various intelligence activities under the jurisdiction of the Secretary of Defense. It is charged with intelligence support for senior military officials and commanders who require current intelligence or analytical studies on matters of exclusively military interest such as order of battle. DIA provides the military contributions to the National Estimates prepared under the direction of CIA. It is also responsible for the activities of the Defense attaches and for certain other military collection programs.

c. NSA, which is under the control and direction of the Secretary of Defense, is exclusively concerned with the collection and processing of information based on foreign communications or emissions from electronic equipment. NSA directs and coordinates the intercept activities of the military services designed to monitor communications or acquire data of intelligence value from electronic equipment associated with foreign weapons systems or military activity. NSA provides processing support to these activities and disseminates reports based on the analysis of intercepts or other data collected.

d. Overall guidance and coordination is provided to the activities of CIA, DIA, and NSA by the United States Intelligence Board of which the DCI is the Chairman.

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e. Admittedly the scope and nature of the intelligence activities of the armed services inevitably create occasional coordination problems. But these problems have been the subject of serious periodic study over the past several years:

(1) In 1968 a committee under the chairmanship of Mr. Fredrick Eaton, and including General Lauris Norstad, Ambassador Livingston Merchant and Dr. Eugene Fubini, undertook a searching review of the activities for which NSA is responsible.

(2) More recently the Secretary of Defense initiated a review of intelligence activities in the Defense Department which was continued by Mr. Froehlke.

(3) The Blue Ribbon Panel on reorganization of the Defense Department, under Mr. Fitzhugh, has just concluded an elaborate review of intelligence activities and has submitted recommendations for a rather drastic reorganization of intelligence in the Defense Department.

6. Recommendation 4

"Information obtained by satellite in the earth resources, fishery, forestry and crop management fields should be declassified and shared with competent scientists world wide."

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7. Recommendation 5

"Since inter-service parochialisms distort the estimative process and lead to unnecessary weapon procurement all military services should be required to cite only the majority position on NIEs before Congress, rather than their service footnote."

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Comment:

a. The basic reason for the establishment of the Central Intelligence system was to deal with the problem of distortion of intelligence estimates by service parochialism. However, the question of what information from national estimates should be given to the Congress in this connection is a matter for the congressional committees themselves to decide. Moreover, intelligence estimating is by no means an exact science--it can never be more than an informed judgment and it sometimes turns out that in arriving at such judgments the majority position is wrong and the "service" position is correct. For these reasons it seems doubtful that the Congress would wish either the Director of Central Intelligence or anyone else in the Executive Branch to prevent appropriate members of the Congress from hearing the considered intelligence judgments of the individual services.

8. Recommendation 6

"The Board of National Estimates should include representatives from a non-intelligence, non-government source."

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Comment:

a. The Board of National Estimates includes two non-intelligence, non-government members each of whom spends three or four months a year on the Board. It has a panel of about fifteen consultants, mainly from university faculties, which meet twice annually to comment on finished estimates and advise on the preparation of future ones. And most Board members, although having had extensive intelligence experience in recent years, have substantial backgrounds in non-governmental work.

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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Attached are draft comments on the recommendations of the

"Members of Congress for Peace Through Law" regarding "Intelligence and Policy." In preparing them I have included material contributed by NIPE, DDP, DDI, D/ONE, and OGC, and they have concurred in the end product.

If you find it satisfactory, I suggest I handcarry a courtesy copy to Senator Goldwater, for his background info only, thanking him for his interest and offer to speak in our behalf, but explaining:

(a) to be meaningful, our comments had to be classified and hence are not suitable for public discussion and (b) the publication of the recommendations seems to have attracted little attention, and for the moment it is perhaps best to let sleeping dogs lie.

I also propose, with your approval, providing copies, on a similar basis to Woodruff, Braswell, Blandford and Preston, and perhaps such members of our Subcommittees as they might suggest.

John M. Maury  
Legislative Counsel

cc: DDCI  
Ex/Dir

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